

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: ELECTRIC AND PIPELINE PROCEDURES	DOCKET NO. RMU-99-4
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ORDER COMMENCING RULE MAKING

(Issued April 30, 1999)

Pursuant to the authority of IOWA CODE §§ 17A.4, 476.1, 476.2, 478.20, 479.17, and 479A.10 (1999), the Utilities Board proposes to adopt the amendments attached hereto and incorporated by reference. These proposed rules amend IOWA ADMIN. CODE 199-2.4, 7.1, 10.2 (1), 10.17, 11.2(3)"d," 11.2(8), 13.2(1)"g," 19.2(5)"g," 19.5(2), 20.5(2) "b," 25.2(1), 25.2(2), 25.2(5)"a" (1999). The reasons for proposing these amendments are set forth in the attached notice of intended action.

IT IS THEREFORE ORDERED:

1. A rule making, identified as Docket No. RMU-99-4, is commenced for purposes of receiving comments upon the proposed amendments attached to this order.

2. The Executive Secretary is directed to submit for publication in the Iowa Administrative Bulletin a notice in the form attached to and incorporated by reference in this order.

UTILITIES BOARD

/s/ Allan T. Thoms

/s/ Paula S. Dierenfeld

ATTEST:

/s/ Raymond K. Vawter, Jr.
Executive Secretary

Dated at Des Moines, Iowa, this 30th day of April, 1999.

UTILITIES DIVISION [199]

NOTICE OF INTENDED ACTION

Pursuant to Iowa Code sections 17A.4, 476.1, 476.2, 478.20, 479.17, and 479A.10 (1999) the Utilities Board (Board) gives notice that on April , 1999, the Board issued an order in Docket No. RMU-99-4, In re: Electric and Pipeline Procedures, "Order Commencing Rule Making," to consider the adoption of amendments to 199 IAC 2.4, 7.1, 10.2(1), 10.17, 11.2(3)"d," 11.2(8), 13.2(1)"g," 19.2(5)"g," 19.5(2), 20.5(2)"b," 25.2(1), 25.2(2), 25.2(2), and 25.2(5)"a" (1999).

The purpose of the rule making is to update the list of forms available for Iowa Code chapters 478 and 479 proceedings, update technical standards, and modify filing requirements for electric and pipeline proceedings. In addition, the Board proposes to amend subrule 25.2(1) regarding the National Electric Safety Code, Part 4. Part 4 consists of practical work rules for employees. The enforcement of workplace safety standards is a function of the Occupational Health and Safety Administration and not the Board.

The Board is also proposing to add new paragraph "f" to subrule 25.2(2) in response to recent waiver requests concerning the locking of gates when utility personnel are working inside a substation. The Board, in granting the waiver requests, agreed with the utilities that a locked substation gate could impede access to injured employees in an emergency. New paragraph "f" will allow a substation entrance gate to be unlocked while authorized personnel are inside. However, if

unlocked, the utility will be required to fully close the entrance gate and latch or fasten it if there is a gate latching mechanism to safeguard against unauthorized entry.

Pursuant to Iowa Code section 17A.4(1)"a" and "b," any interested person may file a written statement of position on the proposed amendment no later than June 8, 1999, by filing an original and ten copies in a form substantially complying with 199 IAC 2.2(2). All written statements should clearly state the author's name and address and should make specific reference to this docket. All communications should be directed to the Executive Secretary, Iowa Utilities Board, 350 Maple Street, Des Moines, Iowa 50319-0069.

An oral presentation is scheduled for July 7, 1999, at 10 a.m. in the Utilities Board's Hearing Room, 350 Maple Street, Des Moines, Iowa. Pursuant to 199 IAC 3.7(17A, 474), all interested persons may participate in this proceeding. Persons with disabilities requiring assistive services or devices to observe or participate should contact the Utilities Board at (515) 281-5256 in advance of the scheduled date to request that appropriate arrangements be made.

These amendments are intended to implement Iowa Code chapters 476, 478, 479, and 479A.

The following amendments are proposed.

Item 1. Rescind rule 2.4 and insert the following new rule in lieu thereof:

199-2.4(17A, 474) Forms. The following forms for proceedings under Iowa Code chapters 478, 479, and 479B are available upon request:

- a. Petition for Electric Line Franchise.
- b. Petition for Amendment of Electric Line Franchise.
- c. Petition for Extension of Electric Franchise.
- d. Exhibit C, Overhead Transmission Line: Typical Engineering Specifications.
- e. Exhibit C-UG, Engineering Specifications for Underground Transmission Line.
- f. Petition for Permit to Construct, Operate, and Maintain a Pipeline.
- g. Petition for Renewal of Permit to Construct, Operate, and Maintain a Pipeline.
- h. Exhibit C, Specifications for Pipeline.
- i. Petition for Permit for Hazardous Liquid Pipeline

Item 2. Amend the last unnumbered paragraph of rule 7.1 as follows:

Except for rules 7.8 and 7.9, none ~~None~~ of the procedures provided for herein shall apply to electric transmission line hearings under chapter 478 or to pipeline and underground gas storage hearings under chapter 479 or 479B.

The purpose of these rules is to facilitate the transaction of business before the board and to promote the just resolution of controversies. Consistent with this purpose, the application of any of these rules, unless otherwise provided by law, may be waived by the board to prevent undue hardship to a party to this proceeding.

Item 3. Amend subrule 10.2(1), paragraph "g" as follows.

g. Exhibit "G." If informational meetings were required, an affidavit that such meetings were held in each county affected by the proposed project and the time

and place of each meeting. Copies of the mailed notice letter and the published notice(s) of the informational meeting shall be attached to the affidavit.

Item 4. Amend subrule 10.12(1), paragraphs "a" through "d" as follows:

a. 49 CFR Part 191, "Transportation of Natural and Other Gas By Pipeline; Annual Reports, Incident Reports, and Safety-Related Condition Reports," as amended through ~~April 1, 1997~~ April 30, 1999.

b. 49 CFR Part 192, "Transportation of Natural and Other Gas By Pipeline; Minimum Federal Safety Standards," as amended through ~~April 1, 1997~~ April 30, 1999.

c. 49 CFR Part 195, "Transportation of Hazardous Liquids By Pipeline," as amended through ~~April 1, 1997~~ April 30, 1999.

d. 49 CFR Part 199, "Drug Testing," as amended through ~~April 1, 1997~~ April 30, 1999.

Item 5. Amend rule 10.17 as follows:

199—10.17(479) Accidents and incidents. Any pipeline incident or accident which is reportable to the U.S. Department of Transportation under 49 CFR Part 191 or part 195 as amended through ~~September 1, 1994~~ April 30, 1999, shall also be reported to the board, except that the minimum economic threshold of damage required for reporting to the board is \$15,000. Duplicate copies of any written accident reports and safety-related condition reports submitted to the U.S. Department of Transportation shall be provided to the board.

Item 5. Amend subrule 11.2(3), paragraph "d" as follows:

d. ~~The corporate limits of cities.~~ The name and corporate limits of cities, and the name and boundaries of any public lands or parks.

Item 6. Amend subrule 11.2(8) as follows:

11.2(8) Exhibit G. The affidavit required by Iowa Code section 478.3 on the holding of an informational meeting. Copies of the mailed notice letter and the published notice(s) of the informational meeting shall be attached to the affidavit.

This exhibit is required only if an informational meeting was conducted.

Item 7. Amend subrule 13.2(1), paragraph "g" as follows:

g. Exhibit "G." If informational meetings were required, an affidavit that such meetings were held in each county affected by the proposed project and the time and place of each meeting. Copies of the mailed notice letter and the published notice(s) of the informational meeting shall be attached to the affidavit.

Item 8. Amend subrule 19.2(5), paragraph "g" as follows:

g. *Reports to federal agencies.* Copies of reports submitted pursuant to 49 CFR Part 191 as amended through ~~April 1, 1997~~ April 30, 1999, "Transportation of Natural and Other Gas by Pipeline: Annual Reports, Incident Reports, and Safety-Related Condition Reports," shall be filed with the board. Utilities operating in states besides Iowa shall provide to the board data for Iowa only.

Item 9. Amend subrule 19.5(2) as follows:

19.5(2) Standards incorporated by reference.

a. The design, construction, operation, and maintenance of gas systems and liquefied natural gas facilities shall be in accordance with the following standards where applicable:

(1) 49 CFR Part 191, "Transportation of Natural and Other Gas By Pipeline; Annual Reports, Incident Reports, and Safety-Related Condition Reports," as amended through ~~April 1, 1997~~ April 30, 1999.

(2) 49 CFR Part 192, "Transportation of Natural and Other Gas By Pipeline; Minimum Federal Safety Standards," as amended through ~~April 1, 1997~~ April 30, 1999.

(3) 49 CFR Part 193, "Liquefied Natural Gas Facilities: Federal Safety Standards," as amended through ~~April 1, 1997~~ April 30, 1999.

(4) 49 CFR Part 199, "Drug Testing," as amended through ~~April 1, 1997~~ April 30, 1999.

(5) ASME B31.8 – 1995, "Gas Transmission and Distribution Piping Systems."

(6) ANSI/NFPA No. 59 – ~~1995~~ 1998, "Standard for the Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants."

b. The following publications are adopted as standards of accepted good practice for gas utilities:

(1) ANSI Z223.1/NFPA 54 – 1996, "National Fuel Gas Code."

(2) ANSI A225/NFPA 501A-~~1992~~ 1997, "Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities."

Item 10. Amend subrule 20.5(2), paragraph "b" as follows:

b. National Electrical Code, ANSI/NFPA 70-~~1996~~ 1999.

Item 11. Amend subrule 25.2(1) as follows:

25.2(1) *National Electrical Safety Code*. The American National Standards Institute (ANSI) C2-1997 "National Electrical Safety Code" (NESC) as ultimately conformed to the ANSI-approved draft by correction of publishing errors through issuance of printed corrections is adopted as part of the Iowa electrical safety code, except Part 4, "Rules for Operation of Electric Supply and Communications Lines and Equipment," which is not adopted by the board.

Item 12. Amend subrule 25.2(2) by adding a new paragraph "f."

f. There is added to the first paragraph of rule 110.A.1, after the sentence stating, "Entrances not under observation of an authorized attendant shall be kept locked," the following sentence:

Entrances may be unlocked while authorized personnel are inside. However, if unlocked, the entrance gate must be fully closed, and must also be latched or fastened if there is a gate latching mechanism.

Item 13. Amend subrule 25.2(5), paragraph "a" as follows:

a. The "National Electrical Code," ANSI/NFPA 70-~~1996~~ 1999, is adopted as a standard of accepted good practice for customer owned electrical facilities beyond the utility point of delivery.

April 30, 1999

/s/ Allan T. Thoms

Allan T. Thoms

Chairperson